

Contrary to Senate myth, the filibuster is not in our Constitution—just the opposite. The man who wrote that Constitution knew well how requiring supermajorities for routine bills had doomed the Articles of Confederation. They deliberately rejected a supermajority requirement for common legislation when they wrote the Constitution.

Defenders say the filibuster encourages bipartisan compromise. Look around you. Does anyone really believe for a minute that this is the new golden age of bipartisan compromise in the Senate?

There are proposals to mend the filibuster. We could bring back a talking filibuster. We all remember the movie “Mr. SMITH Goes to Washington,” where he withered and fell to the floor at his desk carrying on an endless filibuster. It isn’t that way any longer. Senators now can start a filibuster with a phone call and head home for the weekend. That is not what the filibuster was designed for. If a Senator feels strongly enough about an issue to grind the Senate to a halt, they should be willing to stand up and speak their mind and stay on the Senate floor.

Some have proposed changing the number of votes needed to end debate, possibly lowering the 60-vote requirement for cloture to 55. That is a precedent that at least is consistent with historical trends, but leaders of both parties need to agree on it.

I am willing to consider any reasonable plan that promotes genuine bipartisan cooperation and ends the tyranny of the minority. What we cannot do is nothing.

After a minority of Senators used the filibuster to prevent—for now—the creation of the January 6 Commission, we all went home for a long Memorial Day weekend. On my flight home and all that weekend, I thought of the young men who stormed the beaches of Normandy on D-day, running straight into enemy fire, knowing well that they might die to preserve democracy. And many of them did. Now we see Members of the Senate routinely abusing the filibuster because they are afraid to face an unpleasant vote or an angry insult from Donald Trump. Surely, we are better and braver than this.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 148, Radhika Fox, of California, to be an Assistant Administrator of the Environmental Protection Agency.

Charles E. Schumer, Thomas R. Carper, Jacky Rosen, John Hickenlooper, Tammy Baldwin, Richard J. Durbin, Richard Blumenthal, Kirsten E. Gillibrand, Raphael Warnock, Chris Van Hollen, Martin Heinrich, Christopher Murphy, Sheldon Whitehouse, Bernard Sanders, Jeff Merkley, Patty Murray, Margaret Wood Hassan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Radhika Fox, of California, to be an Assistant Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

(Mr. DURBIN assumed the Chair.)

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Michigan (Mr. PETERS) are necessarily absent.

The PRESIDING OFFICER (Mr. COONS). Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 234 Ex.]

YEAS—55

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Brown	Hyde-Smith	Schatz
Burr	Kaine	Schumer
Cantwell	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Leahy	Stabenow
Collins	Lujan	Tester
Coons	Manchin	Van Hollen
Cortez Masto	Markey	Warner
Cramer	Menendez	Warnock
Duckworth	Merkley	Warren
Durbin	Murkowski	Whitehouse
Feinstein	Murphy	Wicker
Gillibrand	Murray	Wyden
Graham	Ossoff	
Hassan	Padilla	

NAYS—43

Barrasso	Hagerty	Romney
Blackburn	Hawley	Rounds
Blunt	Hoeven	Rubio
Boozman	Inhofe	Sasse
Braun	Johnson	Scott (FL)
Capito	Kennedy	Scott (SC)
Cassidy	Lankford	Shelby
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Paul	Young
Fischer	Portman	
Grassley	Risch	

NOT VOTING—2

Booker Peters

The PRESIDING OFFICER. The yeas are 55, the nays are 43.

The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 173, Lydia Kay Griggsby, of Maryland, to be United States District Judge for the District of Maryland.

Charles E. Schumer, Richard J. Durbin, Benjamin L. Cardin, Chris Van Hollen, Jacky Rosen, John Hickenlooper, Tammy Baldwin, Richard Blumenthal, Kirsten E. Gillibrand, Raphael Warnock, Martin Heinrich, Christopher Murphy, Bernard Sanders, Jeff Merkley, Patty Murray, Margaret Wood Hassan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Lydia Kay Griggsby, of Maryland, to be United States District Judge for the District of Maryland, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Michigan (Mr. PETERS) are necessarily absent.

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 235 Ex.]

YEAS—57

Baldwin	Graham	Ossoff
Bennet	Grassley	Padilla
Blumenthal	Hassan	Reed
Brown	Heinrich	Romney
Burr	Hickenlooper	Rosen
Cantwell	Hirono	Sanders
Capito	Kaine	Schatz
Cardin	Kelly	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Sinema
Collins	Leahy	Smith
Coons	Lujan	Stabenow
Cornyn	Manchin	Tester
Cortez Masto	Markey	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warnock
Ernst	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NAYS—41

Barrasso	Hoeven	Rounds
Blackburn	Hyde-Smith	Rubio
Blunt	Inhofe	Sasse
Boozman	Johnson	Scott (FL)
Braun	Kennedy	Scott (SC)
Cassidy	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Fischer	Paul	Wicker
Hagerty	Portman	Young
Hawley	Risch	

NOT VOTING—2

Booker Peters

(Mr. BENNET assumed the Chair.)

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 57, and the nays are 41.

The motion is agreed to.

EXECUTIVE CALENDAR

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lydia Kay Griggsby, of Maryland, to be United States District Judge for the District of Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

UNANIMOUS CONSENT AGREEMENT

Mr. CARDIN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote with respect to the nomination of Tommy P. Beaudeau, to be Deputy Secretary of the Interior, occur following the disposition of the Griggsby nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, for the information of all Senators, this means that there will be three rollcall votes beginning at 3:15 p.m. this afternoon.

NOMINATION OF LYDIA KAY GRIGGSBY

Mr. President, today I rise to speak on the nomination of U.S. Court of Federal Claims Judge Lydia Griggsby to be U.S. district judge for the District of Maryland. We just invoked cloture, and we will be voting on that nomination this afternoon.

Judge Griggsby was favorably reported by a bipartisan vote of the Committee on the Judiciary on June 10. I had recommended Judge Griggsby, along with Senator VAN HOLLEN, to President Biden, and I strongly support this nomination.

Judge Griggsby has been nominated to fill the current vacancy created when Judge Catherine Blake, appointed by President Clinton in 1995, announced her intention to take senior status on April 2. President Biden nominated Judge Griggsby to this position on March 30, and the Judiciary Committee held her confirmation hearing on May 12.

Shortly after the November 2020 elections, I worked with Senator VAN HOLLEN to establish a judicial selection committee in Maryland. We used an open application process with a public advertisement and communicated and worked closely with the State, local, and specialty bar associations in Maryland.

In particular, we sought out a highly qualified and diverse application pool. Our committee interviewed everyone who submitted an application, which involved several dozen interviews. Senator VAN HOLLEN and I then personally interviewed several finalists before recommending names to the White House.

The White House Counsel asked Senators to propose talented individuals who would bring to these critically important roles a wide range of life and professional experiences, including those based on their race, ethnicity, national origin, gender, sexual orientation, gender identity, religion, veteran status, and disability.

I would call my colleagues' attention to a recent Washington Post article en-

titled "President Biden Has Nominated as Many Minority Women to Be Judges in Four Months as Trump Had Confirmed in Four Years." Having judges with a broad range of backgrounds, experiences, and perspectives makes our Federal bench more diverse and better representative of the communities they serve, which builds greater public trust in the judiciary.

Instead of giving a formal introduction to my colleagues of Judge Griggsby today, we should really say "welcome home" to Judge Griggsby. When I first was elected to the Senate, I served on the Judiciary Committee, and my staff and I were pleased to work with then-Chief Counsel Griggsby.

She was born in Baltimore and went to high school in Baltimore.

At that time, Judge Griggsby served, when she was here, with Chairman PATRICK LEAHY's Judiciary Committee staff as his expert on privacy and information policy.

Judge Griggsby went on to serve for 7 years as a judge on the U.S. Court of Federal Claims, which has national jurisdiction to hear complex monetary damages claims against the Federal Government. Judge Griggsby was confirmed to her current position by a voice vote of the Senate in 2014.

Judge Griggsby is a lifelong Marylander who was born in Baltimore, a graduate of the Park School, and she has been a mentor at the Baltimore Leadership School for Young Women. She received her B.A. from the University of Pennsylvania and her J.D. from Georgetown Law School. She was an associate at DLA Piper before beginning her government service as a trial attorney in the Civil Division at the U.S. Department of Justice.

She then became an assistant U.S. attorney in the District of Columbia. Judge Griggsby later transitioned to Capitol Hill, serving as a counsel on the Senate Select Committee on Ethics before beginning her work with Senator LEAHY on the Judiciary Committee. I am so pleased that Judge Griggsby brings such a wide array of professional experience from the first two branches of government as she prepares to assume a new role in our third branch of government.

In particular, I would note that as an assistant U.S. attorney, she helped secure a \$20 million settlement against Toyota for selling vehicles that violated the Clean Air Act. She also held two of Washington, DC's largest property managers accountable for failing to disclose lead-based paint hazards in the buildings.

If confirmed by the Senate, I would note that Judge Griggsby would be the first Black woman and first woman of color to serve as a Federal judge on our bench in Maryland in our State's history, and it is about time. The American Bar Association's Standing Committee on the Federal Judiciary gave Judge Griggsby its highest rating—unanimously "well qualified"—after

evaluating her integrity, professional experience, and judicial temperament.

I was delighted to recommend the nomination of Judge Griggsby to President Biden, along with Senator VAN HOLLEN.

Judicial nominees must meet the highest standards of integrity, competency, and temperament. Judge Griggsby will safeguard the rights of all, uphold the Constitution and rule of law, and faithfully follow the judicial oath to do equal right to the poor and to the rich.

So I urge my colleagues to vote to confirm Judge Griggsby, who I believe will be an outstanding member of the Federal bench. She is already a sitting Federal judge on the U.S. Court of Federal Claims, and I look forward to her continued public service, serving all the people of our Nation as a Federal district judge.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUNETEENTH

Ms. SMITH. Mr. President, I thank my colleague from Maryland. I rise today in gratitude because last night the Senate put us one step forward to finally making Juneteenth a Federal holiday.

Juneteenth is our Nation's oldest celebration of emancipation, and it should have been established as a Federal holiday long ago. So I am glad that yesterday the Senate passed our bill, with Senator MARKEY and Senator BOOKER, the Juneteenth National Independence Day Act, by unanimous consent.

The end of slavery in this country is a central milestone in our history, and Juneteenth should be commemorated nationwide as a day of celebration and reflection and rededication to the cause of racial justice in this country.

I am forever grateful to the generations of activists who made this possible, and, in particular, I want to thank Ms. Opal Lee, who at 89 years old walked halfway across this country to rise in support of Juneteenth as a Federal holiday.

Yesterday, I had the opportunity to call Ms. Lee, now in her nineties, after this bill cleared the Senate, and I wish you could have heard the sound of joy in her voice when I told her the good news. This is a memory that I know I am going to treasure for the rest of my life.

So to Ms. Lee, if you are listening here today, I want to tell you that I have been honored to support your moral cause here in the Senate, and I hope to celebrate Juneteenth as an official Federal holiday with you soon.

I also want to thank my colleagues, especially Senator MARKEY and Senators BOOKER and WARNOCK, for their